

REMARKS

Reconsideration of the application is requested.

Claims 10-19 remain in the application. Claims 10-19 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 10-19 have been rejected as being obvious over U.S. Publication No. 2004/0266339 to Larsson et al. in view of U.S. Patent No. 6,987,770 to Yonge, III. under 35 U.S.C. § 103. Applicant respectfully traverses.

Claim 10 defines a method for packet-switched data transmission in a self-organizing radio network with at least a first and a second radio coverage area, and at least one mobile communication device for each radio coverage area. The claim includes a step of: operating a first device in the first radio coverage area and a second device in the second radio coverage area, for centrally controlling an assignment of transmission channels assigned to the respective radio coverage area.

The Examiner has alleged that Fig. 5 and paragraph 0064 of Larsson et al. disclose a first coverage area (CA1) and a second coverage area (CA2). Applicant respectfully disagrees. Fig. 5 does not explicitly show two coverage areas (e.g. by mentioning

CA1 or CA2) nor does it implicitly show two coverage areas, since there is simply no coverage area drawn. Fig. 2 of Larsson et al. clearly shows that a base station (210), to which the transmitter 210' (Fig. 5) obviously belongs, and a mobile station (220), to which the receiver 220' (Fig. 5) obviously belongs, are in the same coverage area (drawn as a hexagon).

According to the claimed invention, a coverage area is defined by the radio resources given (controlled) by the respective base station (first/second device), and this obviously isn't disclosed in Fig. 5. Clearly Larsson et al. teach relaying signals **within** a cell and not from one cell to another. Please note that the adjacent cells shown in Fig. 2 do not indicate relaying to them, but rather to show that they interfere with the transmissions to and from the relay (see paragraph [0042]).

Hence, Larsson et al are silent on "*operating a first device in a first radio coverage area and a second device in a second radio coverage area*", as is required by claim 10.

Claim 10 also includes a step of operating in each of the first and second radio coverage areas mobile communication devices forming intermediate stations for forwarding to the second radio coverage area data originating from the first radio coverage area.

Though Larsson et al. teach relay-units, which may be built from mobile stations [0042], Larsson et al. do not teach that such an mobile device forms an intermediate station "*for forwarding to the second coverage area data origination from the first coverage area*". Hence, Larsson et al. fail to teach this limitation of claim 10.

The Examiner recognizes that Larsson et al. do not teach the limitations in the last paragraph of claim 10 and the Examiner has alleged that Yonge would have suggested the limitations in the last paragraph of claim 10.

Applicant points out that even if Yonge did suggest the limitations in the last paragraph of claim 10, the invention as defined by claim 10 would not have been suggested because as discussed above, Larsson et al. do not teach any of the other steps defined in claim 10.

Applicant also believes that there would have been no suggestion to modify the teaching of Larsson et al. based on the teaching of Yonge because the motivation for the modification that has been asserted by the Examiner (see page 3, last paragraph to page 4, first paragraph of the Office action) had already been addressed and solved by Larsson et al. Larsson et al. clearly teach that a packet is sent to the intermediate station and then to the destination station (see Fig. 5). Therefore, there would have been no motivation to make the alleged modification.

Additionally, applicant believes that one of ordinary skill in the art would not modify the teaching of Larsson et al. based on the teaching of Yonge, since the feature that the Examiner asserts is found in Yonge would lead in a direction contrary to the teaching in Larsson et al. Larsson et al. teach that relative transmission parameters are built by the relay station and common transmission parameters are preferably built by the receiver (and hence not the first station according to the invention, since this would be the transmitter).

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 10. Claim 10 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 10.

In view of the foregoing, reconsideration and allowance of claims 10-19 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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